

VILLAGE OF CANAL WINCHESTER PUBLIC RECORDS POLICY**I. Purpose**

The Village of Canal Winchester ("Canal Winchester") acknowledges that it maintains many records that are used in the administration and operation of Canal Winchester. In accordance with state law and the Canal Winchester Records Commission's recommendations, Canal Winchester has adopted Schedules of Records Retention and Disposition that identify these records. These schedules identify records that are stored on a fixed medium (paper, computer, film, etc.) that are created, received, or sent under the jurisdiction of Canal Winchester and document the organization, functions, policies, decisions, procedures, operations, or other activities of Canal Winchester (R.C. 149.011(G); R.C. 149.43(A)(1)). The records maintained by Canal Winchester and the ability to access them are a means to provide trust between the general public and Canal Winchester. It is the policy of Canal Winchester to strictly adhere to the State's Public Records Act.

II. Scope

- A. Each office, department or function that maintains records has a designated Staff member who serves as the custodian of all records maintained by the office, department or function.
- B. Each record custodian has a copy of Canal Winchester's Public Records Policy. (R.C. 149.43(E)(2)).
- C. Canal Winchester's Public Records Policy, as well as, the Schedules of Records Retention and Disposition are located at every location in which the public may access Canal Winchester's records.
- D. Canal Winchester's Public Records Policy is located in Canal Winchester's policies and procedures manual.
- E. Canal Winchester displays a poster which generally describes Canal Winchester's Public Records Policy at every location in which the public may access Canal Winchester's records.

III. Copying Fees

In accordance with Ohio Revised Code §149.43, Canal Winchester has established the following fees for providing copies or reproductions of public records:

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- A. For copies of documents, the fees shall be the actual cost as set forth within the current Canal Winchester Fee Schedule. Advance payment is required before any copies are prepared. Two sided copies shall be charged at a rate of one sided copies.
- B. For video tapes, cassette tapes or for any other type of media, the fee shall be the actual cost as set forth within the current Canal Winchester Fee Schedule. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy.
- C. There is no charge for documents e-mailed.
- D. Established costs/fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.

IV. Inspection or Copying of Records

- A. Inspection
 - 1. All public records, as well as a copy of the current records retention schedule (R.C. 149.43(B)(1)) maintained by Canal Winchester shall be promptly prepared and made available for inspection to any person during regular business hours. Promptness is to be determined by the facts and circumstances of each public records request. Regular business hours for Canal Winchester are Monday through Friday (except published holidays), from 8:00 am to 4:30 pm.
 - 2. For the purpose of enhancing the ability of Canal Winchester to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of time, Canal Winchester shall provide to the Requestor a Public Records Request Form (see Attachment "A") for the Requestor to complete.
 - a. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.
 - b. Although Canal Winchester may ask the Requestor to make the request in writing, for the Requestor's identity, and may inquire about the intended use of the information requested, the Requestor shall be advised that:

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- i. Providing responses to these requests are not mandatory; and
 - ii. The Requestor's refusal to complete the Public Records Request Form does not impair the Requestor's right to inspect and/or receive copies of the public record. (R.C. 149.43(B)(5)).
 - c. Any person, including corporations, individuals, and even governmental agencies, may request public records, and will be allowed prompt inspection of public records and copies within a reasonable amount of time upon request.
3. In the event a request is made to inspect and/or obtain a copy of a record maintained by Canal Winchester whose release may be prohibited or exempted by either state or federal law, the request shall be forwarded to Canal Winchester legal counsel for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by Canal Winchester.
 4. Records, whose release is prohibited or exempted by either state or federal law, or not considered public records as defined by Ohio Revised Code §149.43(A)(1), shall not be subject to public inspection.

B. Copying of Records

1. Mailed Requests for Public Records:
 - a. Upon receiving a written request via the United States Postal Service for copies of a public record made in accordance with Ohio Revised Code §149.43, Canal Winchester shall promptly respond to the request.
 - b. An authorized Canal Winchester Staff member shall, by any means practical, contact the Requestor and advise them that advance payment is required prior to providing copies of public records, and in addition, the fee shall also include the cost of postage and the envelope. (R.C. 149.43(B)(7)).
 - c. When practical, Canal Winchester may forward copied records by any other means reasonably acceptable to the Requestor.

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- i. If a person requests a copy of a public record, Canal Winchester shall permit the Requestor to choose to have the public record duplicated on paper or upon the same medium upon which Canal Winchester maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of Canal Winchester, or the responsible Canal Winchester Staff member for the public record. (R.C. 149.43(B)(6)(7)).
 - ii. Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means. (R.C. 149.43(B)(6)). In accordance with Ohio Revised Code §149.43(B)(7), Canal Winchester limits the number of requested public records, to be transmitted through regular United States Mail, to a maximum of ten (10) records per month, unless the Requestor certifies that the records or information in them will not be used for commercial purposes. "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
 - d. Authorized Canal Winchester Staff members shall comply with the following procedures upon receiving a valid public record request through the United States Postal Service:
 - i. Canal Winchester Staff members shall promptly process requests.
 - ii. Requestors shall be charged the postage fees required to properly send the requested records through the mail.
2. Written or verbal requests for copies made by the public records Requestor or their designee shall be processed in the same manner as mailed requests.
- C. Response and Denials

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1. Records Not Maintained or No Longer Maintained. If Canal Winchester receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the Requestor shall be so notified in writing utilizing the Notice of Denial or Redaction Form (see Attachment "B") that one of the following applies:
 - a. Their request involves records that have never been maintained by Canal Winchester;
 - b. Their request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Canal Winchester Schedules of Record Retention and Disposition;
 - c. Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal;
 - d. If the record that is requested is not a record used or maintained by Canal Winchester, the Requestor shall be notified that in accordance with Ohio Revised Code §149.40, that Canal Winchester is under no obligation to create records to meet public record requests.
2. Ambiguous or Overly Broad Request for Public Records.
 - a. Canal Winchester may deny the request if the Requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that the Canal Winchester Staff member responsible for the requested public record cannot reasonably identify what public records are being requested.
 - b. However, Canal Winchester shall provide the Requestor with an opportunity to revise the request by informing the Requestor of the manner in which records are maintained by Canal Winchester in the ordinary course of business. (R.C. 149.43(13)(2)).
3. Denial of a Record Maintained by Canal Winchester. Canal Winchester may deny request for a record maintained by Canal Winchester if:

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- a. The record that is requested is prohibited from release due to applicable state or federal law.
 - i. Canal Winchester Staff members shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
 - ii. Canal Winchester Staff members may check the appropriate box on the Notice of Denial or Redaction Form if they are simply applying the statutory exclusion.
 - iii. Otherwise, legal counsel will respond with the legal authority for a denial.
- b. As governed by R.C. 149.43(B)(3), if a request is ultimately denied, in part or in whole, Canal Winchester shall provide the Requestor with an explanation, including legal authority, setting forth why the request was denied.
 - i. If the initial request was provided in writing then the explanation shall also be provided in writing.
 - ii. The explanation shall not preclude Canal Winchester from relying upon additional reasons or legal authority in defending an action commenced pursuant to Ohio Revised Code §149.43.

4. Redaction of Records

- a. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in Ohio Revised Code §149.011. (R.C. 149.43 (A)(11)).
 - i. A redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction. (R.C. 149.43(B)(1)).
 - ii. If a request is ultimately denied, in part or in whole, Canal Winchester shall provide the Requestor with an explanation, including legal authority, setting forth why the request was denied. (R.C.

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149.43 (B)(3)).

- b. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, Canal Winchester shall make available of the information within the public record that is not exempt.
- c. When making that public record available for public inspection or copying that public record, Canal Winchester shall notify the Requestor of any redaction or make the redaction plainly visible. (R.C. 149.43(B)(1)).
- d. The releasing Canal Winchester Staff member shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the Requestor.
- e. The first reproduction page with the original redactions made by the Canal Winchester Staff member is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

D. Remedy/Grievances

- 1. If a person allegedly is aggrieved due to the inability to inspect a public record or due to the inability to receive a copy of the public record, the person shall be advised that they may contact the Canal Winchester Mayor.
- 2. If the person is not satisfied after contacting the Canal Winchester Mayor, they shall be advised that Ohio Revised Code §149.43 provides a legal means for addressing their complaint in these disputes. (R.C. 149.43(C)(1)(2)).

V. Training and Education

Canal Winchester continues to update and address all education, training, disclosure, and policy requirements mandated by Ohio Revised Code §109.43 and §149.43(E)(1)(2).

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ATTACHMENT "A"

PUBLIC RECORD REQUEST FORM

To help us facilitate your request for public records, please print the following information (As noted in Public Records Policy, it is not mandatory for Requestor to put request in writing):

NAME: _____

ADDRESS: _____

PHONE: _____ FAX: _____

EMAIL: _____

DATE AND TIME OF REQUEST: _____

INFORMATION REQUESTED (Please be as specific as possible):

The above referenced information will be available for review during normal business hours. Copies of public records shall be made available upon request at a cost to be determined by the current Fee Schedule.

After you have received the information you requested, please sign your name in the space provided below, indicating you have received the information you requested.

Signature of person receiving requested information

Date

Signature of Staff member presenting requested information

Date

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ATTACHMENT "B"

NOTICE OF DENIAL OR REDACTION

The record(s) request is **DENIED** for the following reason(s):

- ☐ Canal Winchester Staff member cannot reasonably identify what public records are being requested. (note: Requestor has the opportunity to revise the request. Canal Winchester Staff member will inform the Requestor of the manner in which records are maintained by Canal Winchester in the ordinary course of business.)
- ☐ The record has never been maintained by Canal Winchester.
- ☐ The record has been disposed of pursuant to the Canal Winchester Schedules of Record Retention and Disposition.
- ☐ The record has been disposed of pursuant to an Application of the One-Time Records Disposal.
- ☐ The record is not a record maintained by Canal Winchester.
- ☐ The record is prohibited from release due to the applicable state or federal law.

Legal authority and explanation (which may be attached in separate letter from Canal Winchester legal counsel):

The record(s) are **REDACTED** for the following reason(s):

- ☐ The record(s) included in the record request contains redactions of information (obscuring or deleting of any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in Ohio Revised Code §149.011 of the Ohio Revised Code).

Legal authority and explanation (which may be attached in separate letter from Canal Winchester legal counsel):
